

## **Chapter Overview**

This chapter pertains to the necessary activities when adoption has become the permanent plan for a child or sibling group.

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Attachment A: Statement of Legal Risk

### **27.1 Mandate and Rationale**

Section 453.014, RSMo, provides that "the Children's Division (CD) may place a minor for adoption." For the purposes of adoption, a minor is defined as any person who has not attained the age of 18 years or any person in the custody of the Children's Division between the ages of birth and 21 years.

In keeping with the philosophical base that every child is entitled to a safe, secure, and permanent home, the Children's Division is obligated to make a diligent search for appropriate adoptive placements for those children for whom adoption has become the permanent plan.

### **27.2 Children Eligible for Adoption**

Children are eligible for adoption only when all birth, legal and/or putative parents have voluntarily relinquished all their rights or when the court has terminated all parental rights.

Related Subject: Chapter 26, of this section, Termination of Parental Rights.
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### **27.3 Child's Summary for Adoption Placement**

A thorough and accurate pre-placement study of the child is a critical component of the adoption process. The information provided assists potential families in making an informed decision regarding the child. Also, this information may be important to the child if/when he has questions regarding his heritage. The Children's Service Worker

may contact a number of resources to complete the pre-placement study including birth parents/relatives, physicians, placement provider, teacher and the child.

The following outline should be followed when preparing the child's summary for adoption placement.

### **Adoption Summary**

**Name:** *(first name only)*  
**DOB:**  
**Race:**  
**Sex:**  
**Religion:**  
**Date:**

**Please refer home studies to:** *(Adoption Specialist's Name  
Address  
Address  
Phone #  
Fax #  
E-mail address;)*

### **Description:**

*(describe the child physically and his or her personality. What are his/her likes/dislikes, hobbies, talents, etc. What does he/she say about himself, his talents, likes, etc. What does his/her placement provider say about the child? If possible, obtain quotes from child and/or placement provider.)*

### **Placement History:**

*(Identify when the child came into care and why and briefly discuss the child's placement history – how many placements has the child had, what type of placements were they and include why the child was moved from one placement to another, changes in child's behavior/demeanor, etc.)*

### **Background Information of Biological Family:**

*(Describe the birth parents. What do they look like, do they have any drug history, what is their work/educational history, how old were they at the time the child was born. List any medical and/or mental health diagnosis of both birth parents and extended birth family – if applicable to this child – and any other pertinent birth family history that is not covered elsewhere in the profile.)*

### **Education:**

*(indicate the child's current placement in school and identify grade level and academic year, i.e. for the school year 2001-2002 the child is in the eighth grade, identify if the child receives special education, if so, be specific as to what kind, what are the child's favorite subjects. Is there an IEP in place to address these needs? Obtain a quote from the teacher, if possible. Obtain a quote from the child. Does the child have aspirations to attend higher education or a trade school, what do they want to "be" when they grow up. Include historical information if it's pertinent to current educational status, i.e. due to not attending school on a regular basis in the birth home the child is behind academically. For pre-school aged children, indicate if the child attends child care or a pre-school, and if so, how they interact with their peers and adults, is the child developmentally on target, any concerns expressed by the placement provider and/or physician, etc.)*

**Health:**

*(indicate the status of the child's PHYSICAL and MENTAL health. List all diagnosis/prognosis and all medications currently prescribed. What treatments (including counseling, physical therapy, etc.) are being completed now and will be needed in the future. Does the child wear glasses, have asthma, allergies, etc... List any past hospitalizations that are PERTINENT to child's current condition. Provide information regarding the child's birth, i.e. was it a normal, full term delivery, was the child born premature, if so, how premature, were there any health problems at the time of birth, what were they, have they been resolved, any long term affects? List any health concerns/diagnosis of birth family members if PERTINENT to child's current or future development. Do NOT indicate child is current on all immunizations, unless they are not and then list why – all CD children SHOULD be current, so there is no need to indicate as such.)*

**Significant Relationships:**

*(Identify, by first name only, ALL of the child's siblings, their current placement, if we are recruiting for them together or separately, current contact between the siblings and what future contact should look like after an adoption occurs. Also include any other person (mentor, foster parent, birth relative) for which the child should maintain contact with after an adoption occurs. If CD is not recruiting for siblings to be placed together, state why – **REMEMBER, siblings cannot be separated for purposes of adoption unless a sibling split has been approved by the Regional Director, also, review court orders to determine if a Judge/Commissioner has ordered recruitment for the children together and/or separately.**)*

**Special Considerations:**

*(How does the child feel about adoption and what does the child say about adoption? What services will the child and family need to make a successful transition into an adoptive family? What type of family does the worker/placement provider/therapist envision for the child and why?)*

*Should there be one parent, two parents, other siblings, older or younger? Always tell why. What type of family does the child envision for himself? List any other special considerations that you as the worker think will make a successful adoption.)*

**Records Available for Review (once family is selected as the child's adoptive family):**

Psychological:      \_\_\_yes \_\_\_no  
Psychiatric:        \_\_\_yes \_\_\_no  
Social History:     \_\_\_yes \_\_\_no  
School Records:    \_\_\_yes \_\_\_no  
Other (identify):    \_\_\_yes \_\_\_no

**Legal Status:**

*(indicate if the child is legally free for adoption, i.e. termination of parental rights has been granted and is not under appeal, and if the child is in the custody of CD or the custody of a relative – do not use the terms "legal status one or legal status three" those are CD internal terms and no one else understands them)*

**Subsidy:**

*(Child's First Name)* may be eligible for adoption subsidy. Please contact the adoption specialist for more information.

Prepared by:

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Social Service Worker, date

Approved by:

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Social Service Supervisor, date

## **27.4 Special Considerations in Adoption Planning**

The following topics require special consideration when adoption becomes the permanent plan for a child.

### **27.4.1 Foster Parent Preference and First Consideration For Placement**

According to Missouri Statute 453.070, RSMo (#7): "Any adult person or persons over the age of eighteen, who, as foster parent or parents, have cared for a foster child continuously for a period of nine months or more and bonding has occurred as evidenced by the positive emotional and physical interaction between the foster parent and child, may apply to such authorized agency for the

placement of such child with them for the purpose of adoption if the child is eligible for adoption. The agency and court shall give preference and first consideration for adoptive placements to foster parents. However, the final determination of the propriety of the adoption of such foster child shall be within the sole discretion of the court.”

The Division implements this requirement when the child is legally available for adoption or when it appears very likely the child will be legally available for adoption by assessing the interest and capacity of the present family to adopt the child. Additionally, it is important to note that neither the Division nor the statute provides a guarantee that the present foster/kinship family will be approved or granted the right to adopt the child in their care. As in any adoption, only the juvenile court has the final authority to approve the adoption of a specific child by a specific family.

During the staffing process the worker/team making adoption plans for a child should consider the foster parents' capacity to meet the child's long-term needs through adoption prior to considering other adoptive families.

#### **27.4.1.a Informing the Current Foster Family of Adoption Privileges**

When adoption becomes the permanency goal, the worker shall inform the foster family of:

1. The nine month preference statute and placement selection policies;
2. The required completion of an adoptive family assessment;
3. The required filing of the adoption petition within 90 days of the Division's recommendation/approval for the family to adopt the child;
4. The Division's willingness and desire that they have full opportunity to express their interest in adoption and to provide assistance in reaching this decision;
5. The range of factors that are assessed in determining their capacity to parent the child (see below);
6. The availability of an adoption subsidy to assist in meeting the immediate and long-term costs of the child's needs;
7. The child's right, after age 21, to file a request with the court granting the adoption to obtain identifying information about the biological parents;

NOTE: For adoptions completed prior to August 13, 1986, the adoptive parents must give consent to the release of identifying information regarding the birth parents.

8. Their right, legal guardian's, and the child's right, at age 21, to secure non-identifying information regarding the biological parents and siblings via completion of CS-50;
9. The child's right to register with the Adoption Information Registry via CS-51 at age 21 if he/she wishes to indicate a desire to be contacted by the biological parents.
10. The Division's option of using a formal staffing committee to select them as the family which can best meet the child's needs if they elect to apply for the child's adoption. If they elect to adopt the child, they will not be a member of a staffing committee. If they choose not to apply for adoption, they will be a member of the staffing committee. Although they may choose not to attend the formal staffing, they must inform the worker about the families they prefer as a committee member. Also, as a member of the committee, they must recognize their responsibility to respect the confidential information shared about the child and the prospective adoptive families. They will be reading and reviewing adoptive family assessments.

#### **27.4.2 Special Needs Children**

Section 453, RSMo, defines a special needs child as any child in the custody of the Children's Division, Division of Youth Services, Department of Mental Health or a Missouri licensed child-placing agency and who meets one of the following conditions:

- Minority parentage;
- Handicapping condition - mental, physical or emotional;
- Member of a sibling group - two or more brothers and/or sisters placed in the same adoptive home;
- Guarded prognosis - possible future problems related to the child's condition or status at the time of adoptive placement; and
- Is over five years of age, without any of the above characteristics.

Children who meet the criteria for special needs may qualify for adoption subsidy.

Related Subject: Chapter 30, of this section, Subsidizing an Adoption/Legal Guardianship.

### **27.4.3 Legal Risk Placements**

Children in the custody of the Children's Division with a goal of adoption, yet not legally free for adoption, pose a legal risk to their potential adoptive parents. Circumstances which lead to a legal risk include, but are not necessarily limited to, the following:

- The plan is adoption, but parental rights for one or all of the parents have not been terminated.
- Parental rights have been terminated by the court of jurisdiction and parent(s) have appealed the decision to an appellate court.

Related Subject: Chapter 26, of this section, Termination of Parental Rights.

- Plan for publication is in process but not yet accomplished.
- Parents have signed voluntary consents to adoption but the court has not legally terminated parental rights.

The family accepting the child(ren) as a legal risk placement must understand that the goal of adoption may not be obtained and/or the child(ren) may be returned to the home of the parents.

Whatever the circumstances, it is imperative that the prospective adoptive parents be provided a written statement clearly describing the legal risk. The prospective adoptive parents shall be required to sign and date a statement to this effect. (See Attachment A of this chapter for a sample statement of legal risk.)

NOTE: If parental rights have not been terminated, the prospective adoptive parents must be licensed as foster parents. Both the child and parents are eligible for foster care services.

### **27.4.4 Cross Cultural/Cross Racial Adoptive Placements**

We know that our cultural diversity influences our view of the world as well as the world's perception of who we are. We also know that some differences among people are easily seen while others are subtle. In order to ensure consistency in the child's day-to-day life, to support the development of a positive self-image,

increase feelings of security and reduce feelings of isolation, a child should be placed in a home that respects the child's cultural identity and can best meet the individualized needs of the child.

In making the selection of an adoptive family, consideration must be given to all the child's current and future needs. Since adoption is a lifetime commitment for both the family and the child, attention must be given to assessing the many issues involved in meeting the child's needs and the ability of a prospective family to meet those needs. Once this match has occurred, the placement, if not with the present foster family, should be made as soon as possible. The child's record must clearly document the staffings, administrative reviews and Children's Service Worker's efforts to find an appropriately matched adoptive home for the child as well as documentation as to the reasons a particular home was selected.

Public Law 104-188, Section 1808, 110 Stat. 1903-1904 states:

"(18) not later than January 1, 1997, provides that **neither** the State nor any other entity in the State that receives funds from the Federal Government and is involved in adoption or foster care placements may -  
"(A) deny to any person the opportunity to become an adoptive or a foster parent, on the basis of the race, color, or national origin of the person, or of the child, involved; or  
"(B) delay or deny the placement of a child for adoption or into foster care, on the basis of the race, color, or national origin of the adoptive or foster parent, or the child, involved."

### **27.5 Physical/Psychological Evaluation Prior to Placing a Child for Adoption**

Within the preceding six (6) months of a child's placement, a child shall have had:

1. Comprehensive medical examination,
2. Dental examination (for children three (3) or older),
3. Psychological examination/evaluation beginning at least at the age of five (5).  
A psychological evaluation shall be conducted on children younger than five (5) if warranted by background information or developmental concerns.

MEMORANDA HISTORY: CD04-73